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Town Meeting

BULLETIN OF AMERICA'S TOWN MEETING OF THE AIR

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Should Labor Be Subject to Antitrust Laws?

Moderator, **GEORGE V. DENNY, Jr.**

Speakers

ALMON E. ROTH — **HARRY BRIDGES**

ELDEN D. ELLIOTT — **ALEXANDER H. SCHULLMAN**

(See also page 12)

COMING

October 18, 1949

How Can America Contribute to a Free World?—A Report to the People

October 25, 1949

What Should the Free Peoples of the World Do Now About the Atomic Bomb?

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THE BROADCAST OF OCTOBER 11:

"Should Labor Be Subject to Antitrust Laws?"

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THE BROADCAST OF OCTOBER 18:

"How Can America Contribute to a Free World?—A Report to the People"

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THE BROADCAST OF OCTOBER 25:

"What Should the Free Peoples of the World Do Now About the Atomic Bomb?"

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Town Meeting

BULLETIN OF AMERICA'S TOWN MEETING OF THE AIR

GEORGE V. DENNY, JR., MODERATOR

THE TOWN HALL

CTOBER 11, 1949 VOL. 15, No. 24

hould Labor Be Subject to Antitrust Laws?

oderator Denny:

Good evening, neighbors. I find it difficult not to indulge in travagant praise and gratitude for America and all that it means on our arrival here in California in that great new Pan merican Boeing Clipper which brought us from Hawaii to Los geles in nine hours while we slept comfortably 8,000 feet in the y. It is a magnificent tribute to American aviation—and to Pan merican Airways in particular—that our party of 30 American aders was able to visit twelve world capitals in 65 days and allow y six days for transportation.

We may have our problems and disputes here in America, but still have the greatest and most productive way of life, with greatest amount of individual freedom, security, and prosrity ever achieved by any people at any time, anywhere in the rld.

We say this with pride but, at the same time, with a deep sense responsibility, for the world is looking to us—to America, to u and me—for leadership and help at a most crucial time in world's history.

When we planned tonight's program, the front pages of our wspapers were filled with news of industrial conflicts in the pping industry here on the West Coast, and in steel and coal in East. As the Hawaiian strike, which lasted 159 days, is being tled, a conflict between labor and management in steel and l has flared into a strike that has nearly a million men idle. very day that this strike lasts, irrespective of whose fault it is, llions of dollars are lost in wages, and scores of other indus-s, vital to the economic life of our Nation, are threatened with tdowns because of these strikes.

Now many thoughtful people, editorially and otherwise, are

asking what can be done in the public interest to prevent economic waste and this ruthless method of settling labor-management disputes.

Assuming that it is the function of Government to protect public interest when individual citizens or a group of citizens fighting out their conflicting claims, we ask the question, "Has time arrived for Government to reconsider its enforcer policies, or to enact new legislation?"

When certain businesses attempted to develop monopolies create conditions in conflict with the public interest at the tur this century, our Government enacted a law to protect our c petitive system and the public welfare. This was known as Sherman Antitrust Act. For a time, the Supreme Court held the Sherman Act applied to labor. However, this question is a matter of dispute among legal minds and courts.

So tonight, your Town Meeting poses the question for four perts in this field, "Should Labor Unions Be Subject to Antit Laws?" We realize, of course, that this is only one aspect of complex labor-management subject. Our first two speakers, Almon Roth and Mr. Harry Bridges, are thoroughly familiar the situation out here on the West Coast.

Mr. Roth, a graduate of Stanford University, who served a comptroller and business manager for 18 years, became presi of the Waterfront Employers Association of the Pacific Coa 1937. In 1939, a San Francisco Employers Council, represer more than 2,000 employers and their relations with organ labor, was organized and Mr. Roth became its first presi

He served for two years in Washington as an industry mer of the National War Labor Board and was the first presider the National Federation of American Shipping, Inc., which c prised most of the major ocean-going shipping lines in the Un States.

He is now a practicing attorney in San Francisco and is a as part-time president of the San Francisco Employers Cou Mr. Almon Roth, will you give us your opinion of tonight's q tion? (*Applause*)

Mr. Roth:

At the outset, I should like to make it perfectly plain to Mr. Denny, and to my listeners, that I do not contend tha strikes should be prohibited. I do contend, however, that ce labor practices, which are directed primarily at restraining merce, or creating monopolies in the manufacture and distribu of goods, should be prohibited.

For example, I would outlaw strikes and boycotts which impose bitrary restrictions on the use of labor-saving machinery or nich restrict the amount of work which a man may do in a ecified period of time.

Most certainly, secondary boycotts to enforce jurisdictional aims of rival unions are indefensible. At this very moment, e city of Oakland is threatened with boycotts and counter-ycotts by two A. F. of L. rival unions which will paralyze the stribution of food in that city. This jurisdictional dispute in the y—if history follows its usual course—may even result in a y-wide strike.

I'm sure, Mr. Bridges, that you'll have great difficulty in justify-g such a flagrant restraint of commerce on the ground that the al unions are seeking to improve wages or working conditions their members.

I am confident this audience will be shocked to learn how far ions can go in this country in obstructing commerce and restrain-g trade without fear of legal prosecution, just so long as they do t conspire with employers. By way of illustration, I cite the fol-wing actual cases:

In a recent case, the United States Supreme Court held that a w York union would not have violated the antitrust laws when revented the use in New York City of any electrical equipment ch was manufactured outside the city if it had made restrictive eements with each contractor separately. Now it was admitted, this case, that the union's action gave New York manufacturers electrical equipment a complete monopoly of the manufacture that equipment, and it gave the union a complete monopoly of right to work in this field. Evidence showed in this case that union's action increased cost to consumers from 400 to 500 cent in some cases. A more outrageous violation of public lfare through restraint of trade by a union could hardly be agined.

I ask you to listen carefully to this next ruling of our Supreme urt because it's almost unbelievable. In the recent Crumbach e, the Supreme Court held that a union could force an employer of business by compelling his customers to quit dealing with n even though the employer was willing to accede to all union mands, including the closed shop, and simply because the union liked the employer.

Surely this arbitrary and flagrant restraint of trade cannot be tified on the ground that its purpose was to improve wages or rking conditions of labor, for here the employer had acceded all union demands. Under this ruling, it would be possible for

labor unions in this country to force an entire group of employ or even an entire industry, out of business without violating antitrust laws.

It's been held that a union may prevent an employer from us cement-mixing trucks unless he agrees to hire just as m laborers as he used without the trucks.

Hundreds of cases might be cited to prove the almost comp immunity of labor unions from laws which apply to every ot segment of our society. Mr. Elliott, my colleague in support of affirmative, will cite other cases.

For some weeks past, John L. Lewis has limited the produc of this country's most vital raw material—coal. Now mind y had employers engaged in any of these acts which so cle violate the spirit and intent of the antitrust laws, they would h been subject to fine and imprisonment. But not so with uni Because of the special privileges which we have conferred u unions they can commit these outrageous acts against the pu interest and go scot free.

Now, the primary objective of the antitrust laws was first protect customers against high monopoly prices and, secondly protect independent businessmen against ruin or oppression concentrated economic power.

These objectionable practices are just as abhorrent and contr to public interest when they are engaged in by unions as w conducted by employers.

The basic question is simply this. Shall the self-interest of la unions be paramount to the public welfare? The answer should an emphatic "No." The restraints against monopolies and in ruptions of commerce, which the antitrust laws provide to pro the public interest, should be imposed upon unions as wel upon employers. (*Applause*)

Moderator Denny:

Thank you, Mr. Roth. Our next speaker, Mr. Harry Brid was born in Melbourne, Australia, in 1901 and became a cit of the United States in September, 1945. He is president of International Longshoremen's and Warehousemen's Unior position he's held since its formation in 1937. He's also presi of the newly organized Maritime Federation of the Worl trades department of the World Federation of Trade Unions.

Mr. Bridges became a longshoreman in 1920 and was chair of the Joint Maritime Strike Committee in the big waterfront st in 1934. In 1937, when Mr. Bridges' union became affiliated the C. I. O., he was appointed West Coast director of the Cong

of Industrial Organizations by its then president, John L. Lewis.

Needless to say, Mr. Bridges does not agree with our previous speaker but as this is the essence of Town Meeting, Mr. Bridges, may we have your opinion? Mr. Harry Bridges. (*Applause*)

Mr. Bridges:

Mr. Denny, a labor union is not a monopoly or a trust. It is not a business enterprise. It is not in business to make a profit or to manufacture an article. A labor union exists primarily to improve and protect the living standards of working people. A labor union is strongest when organized industrially, and effective in collective bargaining only so long as it has the right and the ability to strike.

Labor unions should not be subject to antitrust laws. Such laws were enacted for the purpose of curbing predatory practices of predatory interests. To apply antitrust laws to labor unions would mean that legal chains should be slipped on the labor unions and their efforts to increase wages, shorten hours, and improve conditions, thereby, curbed.

This amounts to merely another way of saying that higher living standards for American workers and effective unions to achieve such standards are contrary to the public interest.

Mr. Roth has cited some abuses by labor unions. Sure, there have been some cases where unions got together with some employer of labor for the purpose of a legal price fixing and there have been strikes called for by unions for purposes other than wages, etc.

Such abuses are the exception to the rule and antitrust laws won't cure them. Such exceptions or abuses do not change the fundamental nature of, or the main reason for, a labor union's existence—that of banding workers together to improve their living standards.

Such improvements are definitely in the public interest. But trusts are detrimental to the public interest, and antitrust laws were enacted to protect the public from them and their practices.

A trust is a predatory organization with a predatory purpose. It is as much like a labor organization as a gathering of wolves is to a flock of sheep.

Obviously, to apply antitrust restrictions to labor unions, it is necessary to claim that unions are also monopolies.

But who wants to do that? Why, American employers, of course.

The time is past when an American employer can oppose unionization as a matter of principle. It's just bad business to do so, to say nothing of bad public relations. The American people are for

unions. They're for good wages, and, yes, they're for good old-s pensions, too.

But the American people are against trusts, so the smart e ployer, seeking to keep wages down and profits up, joins in t program to make labor unions appear as monopolies. He calls legal handcuffs in the form of antitrust laws. That's the reas for the demand to curb labor unions and their activities by t application of antitrust laws. The demand is because unions ar threat to monopolies and a threat to profits.

If a union is going to get anywhere, it has to be effective. It m be free and it must be able to strike. That doesn't necessarily me that it will strike. But to take away a union's right to strike is take away its bargaining power for all effective purposes.

A union is most effective when it can threaten to close down entire industry. Now, of course, that's the big complaint th days—this closing down of an entire industry. To say that that wrong, or against public interest, is to say that it is wrong fo union to strike effectively; and to say that is to say that it is wro for a union to organize throughout an entire industry, to barg throughout an entire industry; and to say that means that it wrong for a union to organize effectively.

To first establish such a premise and then to move agai unions with antitrust laws means the perverted use of antitr laws to prevent improvements in the standards of American lab

The application of antitrust laws to labor unions would mean t end of effective unionism. It would mean that unions are go and should be allowed to organize and strike provided they refr from striking effectively. That's what Mr. Roth's argument a up to.

To curb labor unions in their right to effective organizati under the guise of preventing monopoly, would be only to c the gains made through labor unions. To do that would not o harm the American people and reduce their standard of living, it would weaken and endanger their democracy. (*Applause*)

Moderator Denny:

Thank you, Mr. Bridges. At this point, we turn to a membe the academic fraternity, Dean Shelden D. Elliott of the Schoo Law of the University of Southern California. Mr. Elliott i graduate of Yale University, who earned his law degree at University of Southern California, with which he has b associated almost continuously ever since, with the exceptio a period of overseas war service from 1943 to 1945. Mr. Shel Elliott, may we have your counsel? Mr. Elliott. (*Applause*)

Mr. Elliott:

Mr. Roth tells us that labor unions should be subject to the antitrust laws. Mr. Bridges tells us that they should not. My own opening point is brief. Labor unions are, to a degree at least, still subject to the federal antitrust laws—not, I admit, to the same extent that they were before certain Supreme Court decisions in 1940, but they are certainly not wholly exempt, nor should they be.

I could, I suppose, merely refer to the language of the Sherman Antitrust Act and rest my case, for the Act says, with blunt clarity, "Every contract, combination, or conspiracy, in restraint of trade or commerce, is illegal."

Let me stress again, Mr. Bridges—it is not just the employer combination, but every contract, combination, or conspiracy in restraint of trade that is illegal. If any doubt remained that the Sherman Act applied to labor, after its enactment nearly 40 years ago, that doubt was soon settled. From the Government's suit against the New Orleans Draymen in 1893, through the Danbury Hatters Case in 1908, and the Duplex-Deering Case in 1918, the Act was enforced against certain types of labor activity, including secondary boycotts.

Even the Clayton Act Amendments of 1914 failed to give labor its hoped-for exemption. The Duplex-Deering Case of 1918 and the Journeyman Stonecutters Case in 1927 scotched that hope.

It remained for certain Supreme Court decisions in 1940 to revive it, and to give labor a measure of immunity from the antitrust laws—a measure, but not complete immunity.

The 1945 Allen-Bradley Case, mentioned by Mr. Roth, held this: "If labor acts to further its interests by combining with employers to restrain trade, the combination—both employers and labor—can be enjoined"—not where labor union acts alone, but where it acts in concert with employers. The Sherman Act, as a result, may be anemic, but it's not yet a dead letter in labor regulation.

Since 1945, things have happened. The Supreme Court has come increasingly to weigh the public interest in the balance of the labor-management controversy. Its more recent decisions have indicated that labor abuses can be curbed by statute and by enforcement.

Only last April, for instance, it held that labor unions can, constitutionally, be made subject to state antitrust laws. If they can be subject to state antitrust laws, they can be, with equal reason, and should be subject to federal antitrust regulations.

It was, however, the Federal Court decision in 1940 that stymied the enforcement program announced by the Federal Antitrust Division in 1939. I liked that program. Mr. Sherman probably

didn't. I felt then, along with other nonpartisan observers, t
labor had nothing to fear from it, and the public had much to g
It would have prohibited such uneconomic conduct as restrai
by labor unions to prevent the use of cheaper materials or i
proved equipment, to compel the hiring of unneeded workers,
enforce illegally fixed prices, or to destroy established systems
collective bargaining.

Mr. Bridges contends that labor unions are a bulwark agai
monopolies and monopolistic restraints. Let me quote from t
1941 report of the Assistant Attorney General of the United Stat
This is the quotation: "Economists in the Antitrust Division e
mate that labor restrictions on production, which have nothi
to do with wages or hours, or conditions of labor, are tod
costing Americans somewhere over one billion dollars a ye
They are increasing. I am not talking about high wages. I
talking about holdups and bottlenecks in housing, and in fo
and in fuel, and in transportation, created by powerful la
unions which claim the legal right to institute strikes and boyco
for such illegitimate objectives."

If restrictive trade practices are injurious to the public, they
equally so, regardless of who engages in them whether m
chants or craftsmen. If the Sherman Act is beneficial to
economy as a whole, both management and labor share in
benefits. They should share in its burdens. Aren't we, Mr. Bridg
entitled to expect labor's coöperation and compliance?

My final point: labor unions, well organized and under inte
gent leadership, do not need immunity for conduct that is agai
the general public interest. The Sherman Antitrust Act, effectiv
and impartially enforced, still leaves ample freedom for labor
achieve its legitimate goals by proper means. The public, I ma
tain, is entitled to the full, not merely a partial, protection of
antitrust laws. (*Applause*)

Moderator Denny:

Thank you, Mr. Elliott. Our next speaker is also a lawyer-
graduate of Duquesne University, who began his practice of l
in Pennsylvania, but moved to Los Angeles in 1936, and beca
counsel to various unions involved in the 1936 Seacoast Stri
He specialized in labor cases from the first, and has been identif
with numerous prominent labor-management disputes ever sin
We hear next from Mr. Alexander H. Schullman, attorney of
Angeles. Mr. Schullman. (*Applause*)

Mr. Schullman:

Mr. Denny, ladies and gentlemen, the issue is "should la

unions," not "are they subject to antitrust laws?" Although we believe legalistically that they are not, nonetheless, we are going to limit to the advisability of whether they should be subject to the laws.

Mr. Roth desires antitrust laws be applied only to certain strikes.

Mr. Bridges has properly characterized Mr. Roth's desire—apply antitrust laws to make strikes ineffective.

Mr. Elliott yearns for yesteryear when all legitimate activities of labor were struck down, which caused Samuel Gompers to say, "God save labor from the courts."

I hope we have progressed beyond that point. I sincerely believe that labor unions should not be subject to antitrust laws. The labor of a human being is not a commodity, just as the human is not a slave. Antitrust laws are exclusively aimed at monopolies which stifle competition in relation to commodities.

Mr. Elliott, to apply antitrust laws to labor unions is to declare most ordinary strikes illegal. It's true that competition is the life of trade, but it is disaster to the working man, who, without unions, must compete for his very existence. To combine in unions with the right to withhold his labor is a most effective safeguard against a return to the sweatshops in which labor worked for its bare survival at low pay and in feverish haste.

To declare and maintain a strike may cause inconvenience to you and to me. To those of you who are working for wages it is much more—a painful burden meaning loss of wages, insecurity, long waiting, and great risk. Yet it is a working man's way of saying, "I will not give my labor to another except as he enables my family to live decently, my children to grow in health and be educated, to live and serve fully." In this right, the Constitution, itself, through the Thirteenth Amendment, gives its guarantee.

Let us put labor into its proper context. Fifty-four millions are workers on farms, in factories, in offices—paid in wages and in salaries. Approximately fifteen to seventeen million are in unions. In other words, when somebody uses the word labor, say to yourself, "Oh, you mean us, or people like us." To think otherwise is to fool ourselves dangerously.

Mr. Roth, we are not blind to the fact that certain labor leaders have abused their positions of trust. Yet, as with our public officers, that is assuredly best dealt with by the self-policing done by the members themselves, government support serving to insure fair elections.

A union leader is necessarily a public figure. His stock in trade

HARRY BRIDGES — Labor Leader Harry Bridges is president of the International Longshoremen's and Warehousemen's Union, C. I. O. Born in Melbourne, Australia, he went to St. Brennan's Parochial School in that city. Mr. Bridges came to the United States in 1920 but did not become a naturalized citizen until 1945. After working as a seaman and longshoreman, he became president of the Pacific Coast District 38 of the International Longshoremen's Association of the A.F.L. in 1936-37. He was chairman of the joint maritime strike committee in 1934 and 1936-37. In 1935, he was an organizer of the Maritime Federation of the Pacific, and president of District Council No. 2.

For ten years or more the United States Government has been trying to deport Mr. Bridges because of alleged connections with the Communist party.

ALMON E. ROTH — Mr. Roth, president of the Employers Council in San Francisco, was born in Crandon, South Dakota. With an A. B. degree from Stanford University in 1909, he became Dean of Men at that school. In 1912, he received his J.D. degree and began the practice of law in San Francisco. In 1919, he went back to Stanford University as comptroller and business manager, a position he held until 1937 when he became president of the Waterfront Employers Association of the Pacific Coast for two years. During the same period, he was president of the Pacific American Shipowners A sociation. From 1939 until 1944, was president of the San Franci Employers Council, and since 1944, been chairman of the Board of Dir tors. He is president of the Natio Federation of American Shipping, I

Mr. Roth has also been a member the NLB, president of Rotary Inter tional, and vice president of the C fornia State Chamber of Commer He has also been active in many ot civic affairs, both local and natio

SHELDEN D. ELLIOTT — Mr. Elli Dean of the Law School of the U versity of Southern California, also been a professor of Labor L and Trade Regulation since 1934. H a member of the State Arbitrat Panel of the American Arbitration A sociation.

Mr. Elliott is a graduate of Yale U versity and received his law degree the University of Southern Califor where he is a member of the faculty

ALEXANDER H. SCHULLMAN — Schullman is a Los Angeles lab lawyer for the American Federation Labor. He is a graduate of Duques University, who began his practice law in Pennsylvania but moved to Angeles in 1936. He became counsel various unions involved in the 19 seacoast strike, and has been identif with numerous labor-management d putes ever since.

is the representation of the people. It is seldom that he is able do an important act quietly.

Contrast the financier and the industrialist, who traditional work anonymously. They, too, are busy men. But we only hear their activities when their public relations experts tell us of th latest endowments. Thus, the public is more aware of the le significant, the more dramatic, changes in labor.

A strike is soon and quickly felt, as is the formation of a ne union or a new federation of unions. Compare the public awar ness of a merger, of a new price-fixing agreement, of a new pate pool, or a new international cartel into which American capi has joined. If the public had equal facts and dramatization of bo sides, there would be little doubt in its mind that unions shou be ever strengthened and revitalized to aid the public in its fig against monopoly. Certainly, labor unions should not be subj to antitrust laws. (*Applause*)

Moderator Denny:

Well, thank you, Mr. Schullman and gentlemen. Well, you certainly heard both sides here tonight ably presented. Mr. Ro

nce you started off the speaking, suppose you start off this dis-
ussion period now up here around the microphone.

Mr. Roth: I'd like to differ very much with Mr. Bridges' state-
ent that industry strikes which do such irreparable damage to
rge segments of our Nation are essential to the success of unions.
The fact is, that in 1946, we had more than 4,000 strikes in this
ountry, and I'd venture to say that 90 per cent of those strikes,
r even more, a much higher percentage, were local strikes and
ot industry strikes.

Now, in every one of those strikes, the unions gained demands.
isn't a fact that an industry strike is essential to the success
f a union. (*Applause*)

Mr. Denny: Thank you. Mr. Bridges, do you care to comment?

Mr. Bridges: I certainly agree with Mr. Roth. An industry strike
not essential to the strength of a union or to the welfare of a
nion, but their ability to be able to threaten it does a lot for a
nion. I've noticed, in my experience—and I'm up here avowedly
r a union—that a union that can do a real effective job somehow
other, that's the union that brings home the bacon. (*Applause*)

Mr. Denny: Mr. Schullman.

Mr. Schullman: I'd like to mention that the Dean has stated
t the legislation did not intend to exempt labor. I want to refer
the *Congressional Record*, where they passed the Clayton Act,
en Representative Henry got up and said, "We are now about
correct the error and make it plain and specific by clear and
rect language that antitrust laws against conspiracies in trade
all not be applied to labor organizations."

As a result of that speech, the House passed the Clayton Amend-
ent in 1914 by a vote of 270 to 0. (*Applause*)

Mr. Denny: Thank you, Mr. Schullman. Now, Mr. Elliott.

Mr. Elliott: Mr. Schullman will recall I did not say that labor
id not intend the Clayton Act to exempt it from the antitrust
ws. I said it did not get that hoped for exemption by reason of
rtain subsequent Supreme Court decisions. The Clayton Act
as designed, among other things, to eliminate the old philosophy
at merely by combining in a labor organization a union would
e subject to the antitrust laws. That, all of us, I think, concede
ould not be true. But so far as saying labor unions should not be
bject to the antitrust laws, by virtue of an amendment in 1914,
an cite, and I'm sure Mr. Schullman can recall, many decisions
nce that date by which labor unions were and were effectively
ld amenable to the antitrust laws. (*Applause*)

Mr. Denny: Thank you. Mr. Bridges?

Mr. Bridges: I think the key issue still is—and I haven't heard

any of the legal minds state it clearly—is a labor union the sa
as a trust or a monopoly? A trust or a monopoly operates for pr
A labor union operates in the interest of a group of working pe
and not for profit. (*Applause*)

Mr. Denny: Mr. Elliott has an answer here.

Mr. Elliott: I'd just like to quote from our California Supre
Court, Mr. Bridges, which certainly has not been antilabor in
decisions and yet here is a recent decision by that court. Wher
union has attained a monopoly of the supply of labor, by me
of closed shop agreements and other forms of collective la
action, such a union occupies a quasi-public position and it
certain corresponding obligations. It may no longer claim the sa
freedom from legal restraint enjoyed by golf clubs or frater
associations. (*Applause*)

Mr. Schullman: I think that's readily answered when we real
that the courts have perverted the interpretation of the Clay
Act and of many of the laws which were aimed not against lab

Now, the United States Supreme Court, by a series of decisi
which have come down without any question, has ruled that la
organized for labor purposes and not in concert with the emplo
is completely free from any federal antitrust laws. (*Applau*

Mr. Denny: Thank you, Mr. Schullman. Now, Mr. Roth.

Mr. Roth: I'd like to answer Mr. Bridges on the suggestion t
a labor union cannot be a monopoly. There isn't a person in t
room that doesn't know that most of the opportunities for w
in this country are controlled by labor unions. That's a compl
monopoly. (*Applause*) One man—John L. Lewis—today can
cide what American citizen will work in the coal industry, and
Bridges' union can decide who will work in the maritime indust
and that's a monopoly. (*Applause*)

Mr. Bridges: I'm sorry I can't agree with that. It is not so t
throughout industry unions can decide who will work in indust
nor is it true in the coal mines, nor is it true in the industry t
the union I belong to represents.

As I understand it, according to the contracts in effect, it's a jo
matter. Employers and unions jointly determine who shall w
in the industry and people are brought into the industry or
out of the industry on a basis of seniority, on a basis of th
ability, competency, and so forth and so on. Now we find—at le
in the coal miners—the big argument seems to be their desire
retire some people out of the industry on a basis of seniority, w
pay of course, and I think that's where the rub is, Mr. Ro
(*Applause*)

Mr. Denny: Thank you. You were about to say somethin

w moments ago, Mr. Elliott, when I let Mr. Roth have the floor.

Mr. Elliott: I was going to correct my colleague here when he id that the Supreme Court decisions were without question. hose decisions, particularly the later ones, were five to four. I ubmit that that does present a question as to whether labor unions re totally exempt from the antitrust laws. (*Applause*)

Mr. Denny: All right, Mr Schullman.

Mr. Schullman: But they were decisions in favor of labor. I want o swerve to another point very briefly, and that's this. An industry r business is organized for two purposes: productivity and profit- bility. There is no concern necessarily for the welfare of the mployees.

A union is organized for the control of only one thing: for its membership control to secure better wages and better working onditions.

In the first case, there can be and is a monopoly. In the second se, in unions, there can't be because unions are continuous ounterpoise to business. (*Applause*)

Mr. Denny: Thank you, Mr. Schullman. Mr. Roth?

Mr. Roth: On the point of whether or not union labor has a nopoly over the right to work, I would like to cite figures of e United States Bureau of Labor Statistics, which indicate that San Francisco, where I live, 50 per cent of all contracts vide for a union shop under which the employer must take employees from the union and more than 40 per cent provide a union shop in which the man, when he's hired, must join e union. In the City of Los Angeles, the percentage is almost as gh, believe it or not, and this is supposed to be a nonunion town. that isn't a monopoly, I don't know what is. (*Applause*)

Mr. Denny: Thank you, gentlemen. You've all had your say re now and there are about 2,000 people out here in this dience who are ready to ask questions so while we get ready r our questions, let's pause briefly for a message from our nouncer.

Announcer: You are listening to America's Town Meeting of the r, originating in Long Beach, California, where we are dis- ssing the subject, "Should Labor Unions Be Subject to Anti- ust Laws?"

Copies of tonight's program may be obtained by sending ten nts to Town Hall, New York 18, N. Y. For your convenience pies of all twelve of the Round the World Town Meetings, from ch of the twelve world capitals—London, Paris, Berlin, Vienna, me, Ankara, Tel Aviv, Cairo, Karachi, New Delhi, Manila, and kyo—will be bound together and may be obtained by sending

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Now for our question period, we return you to your moderat Mr. George V. Denny, Jr.

QUESTIONS, PLEASE!

Mr. Denny: Now, we're ready for our question period here the Civic Municipal Auditorium at Long Beach. We start with question from a gentleman down here on the first row.

Man: I'd like to direct my question to Mr. Roth. Mr. Roth, h do you define public interest? Is it not the interest of organiz labor and its dependents who comprise the public? (*Applaus*

Mr. Roth: Labor is a part of the public, but may I remind y that it's a great minority in this country. According to claims labor alone, there are only 16,000 organized employers in t country and the question is whether their interests should superior to the unorganized and the people who pay the bi for these things.

Mr. Denny: Thank you.

Man: Mr. Harry Bridges. I'd like to ask you, is not a ma strike as predatory upon the public interest as restraint of tra by corporations?

Mr. Bridges: I don't think so. I think that you have to go to t purpose of the strike. The restraint of trade by a corporation h as its purpose the making of profit. In the case of a strike, t purpose generally is improvement in wages or conditions of wo ing people. That means an improvement in the living standards all the American people. That's in the public interest. I thi there's a vast difference between that and what the monop stands for. (*Applause*)

Mr. Denny: Thank you. Next question, down here on the fr row.

Man: Mr. Schullman. You said that the policing of the la unions should be done from within. What reasonable hope ha we that John L. Lewis' or Mr. Bridges' unions will be policed fr within? (*Applause*)

Mr. Schullman: I'm very happy that you asked that quest because I anticipated it. If Mr. Bridges or Mr. Lewis were to rejected by their membership, they would have been rejec before now. They do have democracy in their unions. There no difference there than for any public official. The fact that t

ave not been rejected, to me, is positive proof that their mem-
erships want Mr. Bridges and Mr. Lewis. (*Applause*)

Mr. Denny: Thank you. The gentleman in the center of the hall.

Man: I'm a fisherman. I'm directing my question to Almon E.
oth. Is the International Fishermen's Union, Local 36, not justi-
ed in asking for a minimum price ceiling for their fish? The
ntitrust has recently denied them this right.

Mr. Roth: My understanding of the basis of that decision is
at since the union has a stake in the catch and in the price of
sh that they are in fact businessmen and not unions in the
rganized sense of the law, and, therefore, that the law does apply
them. I think that is the ruling of the court.

Mr. Denny: Thank you. Mr. Schullman?

Mr. Schullman: The United States Supreme Court in Senn vs.
ile Layers Union took a different position. I believe with you
at those fishermen did constitute a union and that the court
as in error in finding it a business. (*Applause*)

Mr. Denny: Mr. Elliott?

Mr. Elliott: I can't let that go without correction because the
ited States Supreme Court in Columbia River Packers against
nton did hold exactly that that type of organization was sub-
ct to the antitrust laws as Mr. Roth pointed out. (*Applause*)

Mr. Denny: Thank you. Mr. Bridges has a comment. Yes, Mr.
idges? We'll hear all four of them, I guess.

Mr. Bridges: I can't let the three lawyers get away with that.
e union in question, as far as I know, was found to be guilty
violation of antitrust. However, I do know that a group of
shermen—on an average, earning less than $700 a year—were
illed monopolists, and their efforts to earn more were stopped by
e application of antitrust. That's the case in point of what I
ean. (*Shouts and applause*)

Mr. Denny: Mr. Roth? It looks like that gentleman dropped a
ombshell here. Yes, Mr. Roth?

Mr. Roth: You haven't made any mention of those seasons in
hich their earnings were very much greater than that. There are
any reasons why the earnings fell down that particular year.
But now I ask this audience whether it makes any difference
you whether a union or a group of employers forces your
rices up beyond a reasonable basis? (*Applause*)

Mr. Denny: Thank you. Mr. Schullman?

Mr. Schullman: Did you ever stop to think that an increase in
ages does not necessarily mean an increase in prices? The em-
oyer, without submitting to you the public the necessity of such
increase, increases the prices. (*Applause*)

Mr. Denny: Thank you. Mr. Roth. Quickly!

Mr. Roth: I'd like to point out that in the last hundred y the standards of living in this country have increased eight-fo 800 per cent (*applause*) and that's during a time when we di even have unions in this country and before anyone sugge that the law be subject to them. Give somebody credit for increased standards in this country of living besides uni (*Applause*)

Mr. Denny: Very briefly.

Mr. Schullman: I must answer that because in no instance w those standards increased without the fight by labor al (*Applause*)

Mr. Denny: All right. We will take this one up in the balc

Lady: Mr. Bridges, are you in favor of any government reg tions of labor unions? If so, what regulations?

Mr. Denny: Mr. Bridges, you're asked to take the affirma here.

Mr. Bridges: It would depend—I think you'd have to take it as the points came up. In other words, you'd have to be spec That's a general statement and pretty hard to answer genera But I certainly am in favor of some regulations. If you asked to spell it out, I might get stuck at the moment. For exampl certainly believe that labor unions should be regulated so t someone couldn't steal all the funds out of the treasury—to g you a simple example. (*Laughter and applause*)

There might be many, many others. But I'm in favor of la unions being punished or penalized the same as any other gr if they violate any law. But when it comes to a perversion of in order to destroy their objectives—the reasons they are crea —that's an entirely different thing. (*Applause*)

Mr. Denny: Thank you. Mr. Elliott?

Mr. Elliott: All we're asking, Mr. Bridges, is that they be s ject to the same laws as everybody else—reasonable laws. I th that's a perfectly fair request and hope. (*Applause*)

Mr. Denny: Thank you. Mr. Roth has a comment.

Mr. Roth: I'd like to ask Mr. Bridges very pointedly whethe believes that the longshoremen that went up from Portland to Dalles and wrecked their crane and threw pineapple into the up there and injured three men should be subject to the law whether he thinks they ought to go scot free. (*Noise and applau*

Mr. Bridges: I think the law is still functioning in Oregon, Roth. I understand that proper investigations are being m You're not going to get me up here to attack my own organizat

re got to be elected you know once in a while. (*Applause and ughter*)

Mr. Denny: Thank you, Mr. Bridges. The gentleman here.

Man: Mr. Schullman, is organized labor a working part of our ee capitalistic system or does it aim to set up its own labor stem of government?

Mr. Schullman: The American Federation of Labor ever since e days of Samuel Gompers—which has been reiterated many mes before and accepted by the United States Government dur- g the last World War—is interested in the competitive free stem of enterprise and has fought for it, as you probably know. *pplause*)

Mr. Denny: Thank you. The gentleman in the balcony back ere has a question for the Dean here.

Man: My question is to Dean Elliott. What would you substitute r the right to strike?

Mr. Denny: What would you substitute for the right to strike? ell, how are you going to relate that to this subject?

Mr. Elliott: I would not substitute anything for the right to rike. I would simply make it, as I have said before, subject to asonable regulation in the public interests. (*Applause*)

Mr. Denny: Thank you. The lady with the lovely white hair in e balcony.

Lady: This question is addressed to Harry Bridges. Can the ardships of workers during a strike be compared with the process raising prices and increasing profits by monopoly?

Mr. Bridges: No. No, after all, it's only the group of workers that ainly suffer and they know what they're doing when they walk t on strike. I think it's just a lot of nonsense—all this talk about nion officials being able to force workers to strike, and I don't mpare the two things at all. What grows out of monopoly fixing ices, that goes on and on and on, and even strikes do end after a hile, you know. It's a temporary thing, so I don't compare the vo things at all. (*Applause*)

Mr. Denny: Thank you. The gentleman here in the black coat.

Man: My question is to Mr. Roth. What is there to protect unions om being completely eliminated in this country by a nonliberal dministration enforcing these proposed antitrust laws?

Mr. Roth: I'm surprised that anybody would ask that question view of the present liberality of the last three administrations e have had. (*Laughter and applause*) The fact of the matter is at, as I said in the beginning, I am not arguing that the right of bor to strike should be abolished. I believe in that.

I'm not willing to pay that price for industrial peace, but I do

think that certain unreasonable practices by labor should
regulated, and one of them that I don't believe any labor lea
can honestly defend is the right to engage in secondary boyc
which injure innocent third parties who aren't parties to the
putes at all. Yet under the present interpretation of our antitr
laws, labor can do that with impunity. (*Applause*)

Mr. Denny: Thank you. The young lady in the green dress.

Lady: My question is to Mr. Schullman. You say that men
unions are not slaves to those unions, but what would you
them when the unions dictate what they do, when they work,
when they don't work?

Mr. Schullman: Unfortunately, the unions do not dictate. Th
matters are adjusted at meetings, they're adjusted by vo
they're adjusted under the constitutions which, incidentally, un
court decisions must proceed in accordance with due process
they pass anything that's contrary to the membership, the me
bership has redress—the same redress as a voter who votes
the polls. If that voter doesn't elect to vote, if that member refu
to attend meetings, he is subject to the same situation. (*Applau*

Mr. Denny: Thank you. Mr. Bridges has a comment on th

Mr. Bridges: I just want to say, in the union I represent, bef
there can be a strike, there has got to be a strike vote, and it
got to carry by 85 per cent. Another thing, every officer of
union I represent can be recalled by a 15 per cent petition sig
by the membership in good standing. Fifteen per cent of the me
bers in good standing sign a petition, and if they get the 15 per c
you're out. (*Applause*)

Mr. Denny: Thank you. The gentleman under the balcony.

Man: My question is to Mr. Elliott. Will unions be able
expect the same lack of legal enforcement as management has
the past under the antitrust law?

Mr. Elliott: I don't think that management is entitled to exp
any lack of legal enforcement of the antitrust laws in view of
report of the number of cases that have been filed during the p
year. They are increasing. I think that unions should be subjec
the same type of vigilant enforcement as management. (*Applau*

Mr. Denny: Thank you. The gentleman in the brown coat
the balcony.

Man: This is addressed to Harry Bridges. Mr. Bridges, do
contend that your recent strike which completely closed the p
of Hawaii was or was not a monopoly? If it had been closed by
employers rather than by employees, would it have bee
monopoly?

Mr. Bridges: That strike down there was certainly agains

nopoly, I'll say that. I want you to recall that in that strike—
mething like other strikes here—the Federal Government pro-
sed arbitration. The union agreed to arbitrate and the employers
fused. If they had agreed to arbitration, there would have been
strike. I don't think the strike was a monopoly. No. (*Applause*)
Man: My question is directed to Mr. Roth. I'd like to preface
y question with this remark.
Mr. Denny: No, just the question, please. The question?
Man: The question is that now the steelworkers, after many,
ny, many postponements, who are willing to accept the fact-
ding board's decision on pensions and health plans and whose
nclusions proved that they could well afford them, wasn't it the
el industry that forced labor out on strike?
Mr. Roth: You probably would argue that any time an employer
fuses to yield to union demands that he forces the strike. That's
logic of labor unions. Now, personally, I don't think that's true.
think in that particular steel strike that what the union is
ing to do is to put the full load of pensions upon the industry
en, as a matter of fact, it should be shared by the industry
d by the employees themselves.
Now, personally, I am inclined to think that's the only issue in
re, and I'm perfectly willing to wait and see what happens when
time is up. (*Applause*)
Mr. Denny: Thank you. In the balcony please, quickly.
Man: Mr. Schullman, it has been stated that unions are to en-
nce the living standards. How long will it take to regain the loss
curred by both sides in the recent Hawaii dock strike?
Mr. Schullman: It will not take very long insofar as the living
ndards of all those who benefit thereby. It's true a few may
ffer for a very long time.
Mr. Denny: Thank you. Very quickly, right here.
Man: I address my remarks to Mr. Bridges. Mr. Bridges, do you
ink that it's right for employers of an industry to close down
eir plants regardless of public welfare?
Mr. Bridges: I'd think in terms of the workers' welfare as well
the public welfare. But let me say this. I would say there would
some sense in applying antitrust laws to labor unions to prevent
ikes *if* they were applied in such a way as to prevent employers
sing down plants when they couldn't make a profit running
em. (*Applause*)
Mr. Denny: Thank you. Now, while our speakers prepare their
mmaries of tonight's discussion, here is a special message of
erest to you.
Announcer: As the first Round-the-World Town Meeting draws

to a close we want to express our gratitude to Pan American
ways for furnishing transportation to our Town Hall staff an
the many thousands of Town Meeting listeners who contribu
their dollars to pay the out-of-pocket costs of this trip. We k
that Town Meeting and the Seminar made a deep impressio
each country that we visited.

Now we would like to know how you, our listeners, feel ab
this project as it draws to a close. We would like your opini
critical or otherwise, on each of these meetings or on the progr
collectively. Already the members of our Seminar are eager t
on another trip to South America next summer and invitati
are beginning to flow into Town Hall from other countries.

Our aim at all times is to serve the highest interests of
listeners, so won't you let us know what you think about the f
Round-the-World Town Meeting and what you would think
other such trips in the future. Address your communications
Town Hall, New York 18, N. Y.

Now, for the summaries of tonight's discussion we return
to Mr. Denny.

Mr. Denny: Here, first, is Mr. Schullman.

Mr. Schullman: Thank you, Mr. Denny. The attempt by
antitrust laws to destroy labor by destroying its most efficaci
weapon, the strike, is to destroy democracy. In those count
where fascism flourished, labor was first destroyed. We are
termined it shall not happen here, and to implement that deter
nation, we must emphatically state that labor should not be s
ject to antitrust laws. (*Applause*)

Mr. Denny: Thank you, Mr. Schullman. Now, Mr. Shel
Elliott, may we hear from you?

Mr. Elliott: My summary is brief; my epilogue briefer. La
has been in the past, now is in part, and should fully be subjec
the antitrust laws. Our economy needs to be freed from unreas
able restraints on commerce and production, and this me
restraints by labor to the same extent as by management. Un
such restraints are removed, and soon, by effective antitrust
forcement, our national welfare is in danger. My epilogue,
six solemn words of grim reminder: "It is later than you thi
(*Applause*)

Mr. Denny: A final word from Harry Bridges.

Mr. Bridges: A union is not a trust. It exists to improve
living standards of American workers. To be worthy of
existence, it must be effective. To be a union at all and to bar
properly, it must be able to strike. Its objectives are in the pu
interest; those of a trust are not. More than labor will suffer i

ow antitrust laws to destroy the effectiveness of labor to present and advance the welfare of the people that are mem-rs of it. (*Applause*)

Mr. Denny: Thank you, Harry Bridges. Now a final word from . Al Roth.

Mr. Roth: So long as unions do not conspire with employers y are free under our laws to engage in many flagrant restraints trade. From the standpoint of the public, however, secondary ycotts and other union restraints on trade are just as objection-e as restraints by employers since they increase costs and ate monopolies. Therefore, unions as well as employers should subject to the antitrust law. (*Applause*)

Mr. Denny: Thank you, Al Roth, Harry Bridges, Shelden liott, and Alexander Schullman. Our thanks also to Mr. Bruce omas and the citizens of Long Beach and to Station KECA their excellent coöperation in making this broadcast possible. e wish Mr. Thomas every success in his new series presenting tinguished events here in the Municipal Auditorium.

Now next week in Washington, D. C., we will report to the ple on our world tour under the title, "How Can America st Contribute to a Free World?" Our speakers will be Mr. ester Williams, who was director of our first world-wide minar; Dean Althea Hottel, president of the American Associa-n of University Women; Mr. Brooks Emeny, president of the reign Policy Association who will report on the Far East; and . George Wilson, of the American Farm Bureau Federation who ll give an over-all report on agriculture.

Most of the members of the seminar will be in Washington for r final meetings and conferences with government officials. ckets for this broadcast may be obtained through Station MAL, the ABC station in Washington.

But wherever you are, plan to be with us next Tuesday and ery Tuesday night at the sound of the Crier's Bell.